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REPORT OF THE SECRETARY-GENERAL PURSUANT TO SECURITY COUNCIL RESOLUTION 762 (1992)

INTRODUCTION

1. The present report is submitted to the Security Council pursuant to resolution 762 (1992) of 30 June 1992. Its purpose is to inform the Council of progress made by the United Nations Protection Force (UNPROFOR) in implementing the mandate entrusted to it in Croatia under the United Nations peace-keeping plan (S/23280, annex III). The report also brings to the Council's notice some of the major concerns facing UNPROFOR in the United Nations protected areas (UNPAs) and adjoining areas following the Force's assumption of its responsibilities. It contains information available up to 0900 hours New York time on 27 July 1992.

I. ASSUMPTION OF RESPONSIBILITY BY UNPROFOR

A. The United Nations protected areas

2. As I informed the Council in my report of 15 February 1992 (S/23592), the three UNPAs called for by the peace-keeping plan are divided into four sectors as shown on the attached map: Sector E (Eastern Slavonia, which includes the areas known as Baranja and Western Srem), Sector N (the northern part of the Krajina United Nations protected area), Sector S (the southern part of the Krajina United Nations protected area), and Sector W (Western Slavonia). UNPROFOR assumed responsibility in Sector East on 15 May 1992, in Sector West on 20 June 1992, and in Sectors North and South on 2 July 1992.

3. The principal achievement of the Force Commander, Lt. Gen. Satish Nambiar, and his Force since its assumption of responsibility in the various sectors has been the elimination of cease-fire violations involving the use of heavy weapons such as artillery and tanks. In the phase immediately following its assumption of responsibilities in each sector, UNPROFOR implemented, as a first step, the simultaneous withdrawal by both sides of such weapons to a distance of 30 kilometres from the line of confrontation. There has also been a considerable lessening of tension in all three UNPAs, though occasional cease-fire violations, mostly involving small-arms fire, continue to occur.

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4. Another major achievement has been the withdrawal of the Yugoslav People's Army (JNA) from all sectors as called for in the plan, except for one infantry battalion in Sector East, which is to withdraw within the next few days. Simultaneously, a number of Croatian Army (CA) units have been withdrawn from the front line.

5. Prior to UNPROFOR's assumption of responsibility in the UNPAs, it had become apparent that the JNA was transferring many of its heavy weapons to local Territorial Defence (TDF) units and para-military militias established in these areas. The Force Commander has informed me that all TDF units in Sectors East and West have handed over their heavy weapons and that these weapons, which include tanks, artillery, mortars and anti-aircraft weapon systems, have been stored in a number of locations under the control of UNPROFOR with a "double lock" system (see S/23592, para. 11). Similar action is in progress in Sectors North and South, including the "Pink Zones", and is expected to be completed in the next few days.

6. The next step in the demilitarization process is to be the withdrawal of the infantry, who are now armed only with light weapons, either for demobilization in the case of the TDF, or to specified distances outside the UNPA boundaries in the case of the JNA/CA. This has already been achieved in Sector West and will be undertaken in the other sectors shortly. Complete withdrawal will be followed by the lifting of mines by unarmed parties of the CA and the JNA (or TDF) under UNPROFOR protection. This process has now commenced in Sector West.

7. However, the process of demobilization of the TDF in the sectors has been complicated by the parallel emergence of strengthened police and militia organizations. These groups, designated as "Special Police", "Border Police" and so on, are equipped with automatic rifles and, in some cases, with machine-guns, in violation of the provisions of the plan (S/23280, annex III, para. 19) which require that the police be equipped only with side-arms. In many cases these groups have taken over from the JNA or Serb TDF responsibility for manning the front lines; they will have to be withdrawn and disbanded. These matters have been repeatedly taken up with the local authorities, but so far without satisfactory results. The Force Commander has taken a most serious view of this situation and has informed me that, having given the authorities concerned enough time to issue the necessary instructions to ensure compliance with the plan, he proposes shortly to implement compliance as necessary and appropriate.

B. "Pink Zones"

8. Following the adoption by the Security Council of its resolution 762 (1992) dealing with the problem of the "Pink Zones", the withdrawal of heavy weapons by both sides, as also the withdrawal of forces facing each other on the line of confrontation, has begun. However, delays continue to occur in some areas, with each side insisting on the prior withdrawal of the other. In paragraph 3 of resolution 762 (1992), the Council called for the

unconditional withdrawal of the Croatian Army from the Drnis area to positions held prior to 21 June 1992. However, the Croatian authorities at the highest level, as well as on the ground, have insisted that withdrawal by the CA must be contingent on simultaneous withdrawal by the Serb TDF from their positions. Reports from UNPROFOR indicate that, while these withdrawals are being generally achieved, the CA is yet to withdraw from Siritovci village in the Drnis area. Efforts are under way by UNPROFOR to effect this withdrawal in order to prevent a further escalation of tension. Moreover, the Croatian authorities have replaced their military in these areas with Croatian police, which they have so far refused to withdraw, asserting that it is only their army which is required to be withdrawn in accordance with Security Council resolution 762 (1992).

9. Though the additional military observers and United Nations police monitors authorized by the Council have not yet arrived in the mission area, UNPROFOR has set up a monitoring mechanism in the "Pink Zones" by temporarily deploying some of its existing resources of military observers and police monitors, together with mobile teams from the infantry battalions deployed in adjacent areas. The Force is also receiving the active cooperation of the European Community Monitor Mission (ECMM). The increased strength and armament of the police and militia personnel on the Serb side remains a matter of concern in these areas also. Similarly, on the Croatian side in the Drnis area, there are reports that substantial numbers of well-armed police personnel have moved into the areas vacated by the CA.

10. The Council will recall that resolution 762 (1992) recommended the establishment of a Joint Commission, as described in my report of 26 June 1992 (S/24188), to oversee and monitor the process of restoration of the Croatian Government's authority in the "Pink Zones". I am pleased to inform the Council that, notwithstanding some initial reservations, both the Croatian Government and the Serb authorities in the area have accepted the concept. The composition of the Commission was announced on 17 July 1992, following consultation with both sides and with the ECMM. It is hoped that the first meeting of the Commission will take place in the course of the current week, although one of the parties has declined to participate until the Croatian authorities have withdrawn all their personnel from the Drnis area, and agreement has not yet proved possible on a location for the first meeting.

C. Dubrovnik area

11. The United Nations peace-keeping plan approved by the Council states that, with the assumption of responsibility by UNPROFOR in the UNPAs, the JNA is required to withdraw from all other areas in Croatia (S/23280, annex III, para. 18). Some withdrawal took place following the arrival of UNPROFOR and the JNA unilaterally withdrew its forces from the islands of Vis and Lastovo in early June 1992. However, JNA forces have remained in the Dubrovnik area despite repeated efforts by UNPROFOR to secure their withdrawal. In recent meetings with the Belgrade authorities, the Force Commander has been informed that, in view of the strategic importance of the Prevlaka Peninsula east of

Dubrovnik, which controls the entrance to the Gulf of Kotor, the JNA withdrawal would be contingent on the demilitarization of the Prevlaka Peninsula and on a guarantee that Croatian heavy weapons would not be located in proximity to it. The Belgrade authorities requested an UNPROFOR presence in the area to ensure its demilitarization until the case they had submitted to the European Community's Conference on Yugoslavia on the delineation of State borders in this area was resolved as part of an overall political settlement, or until a decision was taken on the matter by the International Court of Justice. They stressed that the Prevlaka Peninsula was an uninhabited area of about 93 acres and hence should not be allowed to become a cause for conflict; in their view it was a matter for political negotiation in the Conference, or for judicial settlement. (This matter has also been raised by the Belgrade authorities in New York in a letter to me dated 20 July 1992 (S/24322).)

12. The Force Commander responded that the plan approved by the Security Council was not negotiable and that he could not enter into issues which lay outside UNPROFOR's mandate. However, in the exercise of its responsibilities for the implementation of the plan, UNPROFOR conveyed the views of the Belgrade authorities in talks with those in Zagreb on 14 July. The Croatian Government indicated its willingness to consider the non-emplacement of heavy arms in the area, on condition of reciprocal abstention by Serbia and Montenegro with, in both instances, the situation being monitored by UNPROFOR military observers. Discussions on this matter are now being conducted by UNPROFOR as a matter of urgency with a view to resolving this issue and securing the earliest possible withdrawal of the JNA from the Dubrovnik area. In the event that agreement is reached along the lines indicated, I will return to the Council for a proposed extension of UNPROFOR's mandate, so as to include these additional tasks.

II. DEVELOPMENTS OF CONCERN

A. General

13. It is evident that developments affecting the former Socialist Federal Republic of Yugoslavia in recent months have radically altered many of the premises on which the United Nations peace-keeping plan was formulated. In that context, the Force Commander has informed me of some of his major concerns which, to be effectively addressed, would require approval by the Council of further modifications to UNPROFOR's mandate.

B. Expulsions, coercion and intimidation

14. From the very outset, UNPROFOR has been faced with a situation in the UNPAs where terrorist methods such as physical abuse, coercion, harassment and even killings, have been used to force non-Serb families to leave their homes. In earlier cases, especially before UNPROFOR's assumption of responsibility, these expulsions were carried out in a blatant manner;

families were, under physical threat, gathered from their houses in buses and trucks and transported to areas outside the UNPAs. This had been most evident in Sector East. Since assuming its responsibilities, UNPROFOR has been able, as a result of intense patrolling and control at checkpoints, to put a stop to mass expulsions. Individual cases of intimidation resulting in the forced departure of persons from their homes have, however, continued to occur and remain a source of considerable concern.

15. In Sector East, where UNPROFOR assumed responsibility two months ago, its military commanders, as well as civilian police monitors, have been able to make a detailed study of the prevailing situation. From this analysis, it emerges that non-Serbs with property, especially those who own houses, vineyards and farms, are particularly targeted for expulsion. Such people are subject to threats and acts of intimidation of all kinds, as a result of which many non-Serbs who did not leave the area even during the conflict last year have since been forced to do so. Earlier, the houses of expelled people were looted and burned or demolished; now, these are occupied immediately, in an organized manner, which indicates the involvement, or at least the acquiescence, of the local authorities. United Nations civilian police monitors have received reports of police or militia involvement, directly or indirectly, in these incidents. In other cases, UNPROFOR investigations have identified "ringleaders" among Serb refugees from other areas who have found shelter in Sector East. UNPROFOR is still awaiting the outcome of promised criminal investigations in regard to 11 identified persons who conducted a brutal expulsion from the village of Tovarnik in mid-May, although it provided a complete prosecution dossier on the matter seven weeks ago.

16. Such actions also occur in the Serb-controlled areas of Sector South, and, to a lesser extent, in Sectors West and North. At the same time, in areas of Sector West which remain under Croatian control, UNPROFOR has reported the frequent looting and destruction of the houses of Serbs who have left these areas over the last year. All such criminal acts have been protested vigorously by the Force Commander and his staff with the authorities in Zagreb and Belgrade and with the local authorities, but there has as yet been little visible improvement in the situation. Without the strongest action at the highest levels of government, UNPROFOR will not be able to eradicate the intolerable practices of so-called "ethnic cleansing".

17. UNPROFOR believes that there is a direct link between this situation and the presence of large numbers of refugees in these areas. The influx into the UNPAs of Serb refugees from other parts of Croatia, and more recently from Bosnia and Herzegovina, continues unabated. The refugees from Croatia, some of whom appear to foresee no possibility of return to their homes, especially in Western and Central Slavonia, have reportedly occupied houses left vacant by the departure of their non-Serb occupants. While they claim that they are entitled to these houses as long as their own homes are denied to them by the Croatian authorities, the Force Commander is concerned that such actions are part of a concerted effort to change the ethnic composition of these areas. When General Nambiar expressed his serious concerns on this issue at meetings with the Belgrade authorities, his interlocutors responded that though they

could prevent migration from Serbia and Montenegro into the UNPAs, they were in no position to do so in the case of refugees from other parts of Croatia, whose houses had already been destroyed, or those from battle-torn areas of Bosnia and Herzegovina who directly enter the neighbouring UNPAs. This is a continuing problem which, in the view of the Force Commander, can be addressed only by giving UNPROFOR personnel at entry points into the UNPAs the authority to prevent entry of persons other than those who are residents of the UNPA or who are bona fide temporary visitors to the area.

18. The problem is particularly disquieting because, upon completion of the demilitarization of the UNPAs and the restoration of a measure of stability in these areas, the United Nations plan envisages the return of displaced persons to their homes. This is an objective whose fulfilment will require considerable effort on the part of the United Nations High Commissioner for Refugees (UNHCR), with the active support and assistance of UNPROFOR, and of the governmental and local authorities concerned. Identifying such displaced persons and establishing their desire to return to what, in many cases, are the shells of their former homes, will place great demands on UNHCR staff and will require the cooperation and understanding of all parties. The Force Commander estimates that the conditions do not yet exist for a large-scale voluntary return programme into the UNPAs.

C. Control of international borders

19. Since the United Nations peace-keeping plan was accepted by the parties and approved by the Council, the Republics in the area have acquired an international legal personality and three have become Member States of the United Nations. During meetings with the Force Commander in Zagreb, the Croatian authorities have repeatedly raised the issue of the control of the UNPA boundaries where these coincide with what are now international borders. Sector East shares borders with Hungary and Serbia; the other three sectors share borders with Bosnia and Herzegovina. The economic sanctions imposed on the Federal Republic of Yugoslavia (Serbia and Montenegro) by resolution 757 (1992) have added a new dimension to the issue.

20. The Croatian Government at first proposed that it be allowed to take control of the border entry points and establish customs and immigration procedures there. It has, however, accepted that this would not be in conformity with the plan which, as I pointed out in my report of 4 February 1992 (S/23513, para. 9), excludes the restoration of Croatian laws and institutions in the UNPAs pending the achievement of an overall political settlement. At the same time, the Force Commander has reported that the change in the demographic composition of the UNPAs due to the influx of Serb refugees is a subject of special concern to the Government of Croatia. The Croatian authorities have also expressed concern about the possible movement of natural resources and even dismantled industrial infrastructure from Baranja and Eastern Slavonia into Serbia. Though these concerns are legitimate and appear to be justified, it would be incompatible with the plan for Croatia, in the present circumstances, to re-establish its laws,

immigration and customs authorities and police in the UNPAs. Indeed any attempt to do so could invalidate the basis of the plan and risk a resumption of hostilities.

21. The United Nations peace-keeping plan gives UNPROFOR explicit authority only to prevent movement of arms, ammunition and other war-like material into the UNPAs. If it was thought appropriate for the United Nations to respond to Croatia's concerns regarding border control, UNPROFOR's mandate would have to be further enlarged to give it powers to carry out immigration and customs functions on the international borders. In the case of Sector East, these would have to include controls required by the sanctions imposed by the Security Council on the Federal Republic of Yugoslavia (Serbia and Montenegro). For UNPROFOR's control to be effective, the Force would also need powers to designate authorized border crossing points and to intercept any persons who were discovered trying to cross the borders at other locations.

22. The international frontiers of the four sectors extend, overall, for approximately 639 kilometres, with 45 land and 21 river crossings. UNPROFOR has set up checkpoints at 46 of these crossings and maintains frequent patrols to cover the others. Even with the additional use of helicopter patrols, it would be impractical to attempt the complete supervision of these borders. The human resources required to control crossing points for the purposes outlined above would include police, immigration and customs officers, as well as military personnel. If the 46 crossing points where UNPROFOR already has fixed checkpoints were open for 10 hours each day, a further 184 police personnel, plus 276 immigration and 276 customs officers, would be required. (The other 20 crossing points would be considered closed.) The majority of immigration and customs officers could be locally recruited. Such an innovation would also require a specialist administrative and legal support unit of approximately 80 personnel, assuming an effective base of electronic data to provide back-up.

D. Humanitarian situation in the UNPAs

23. The fighting in parts of Bosnia and Herzegovina adjacent to the UNPAs has continued to create severe difficulties in Sectors North and South. For humanitarian reasons, UNPROFOR personnel have taken part in the rescue and care of refugees from the fighting in Bosnia and Herzegovina, although this is technically outside UNPROFOR's mandate and strains its already stretched resources. Serbs within the UNPAs are increasingly involved in the conflict in Bosnia and Herzegovina, and this is making it more difficult for UNPROFOR to demilitarize the UNPAs. UNPROFOR personnel have on occasion been caught in cross-fire between the Bosnia and Herzegovina TDF and Serb forces firing from the UNPAs in support of Serbs on the Bosnia and Herzegovina side of the border.

24. The conflict in Bosnia and Herzegovina has also largely interrupted the economic links which previously existed between the UNPAs and other Yugoslav republics. In this regard, the Secretary-General has received from various sources a number of appeals for humanitarian assistance for the population of

the UNPAs. The response of the United Nations system to these requests has been coordinated by the Department of Humanitarian Affairs. Those cases which involved requests to send food and medical supplies from Belgrade were referred to the Sanctions Committee of the Security Council, which granted approval on the understanding that the shipments would be inspected by UNHCR, UNPROFOR and the International Committee of the Red Cross, and that approval for the flights and/or land convoys would be obtained from the Governments concerned.

E. Staffing and logistics

25. Fulfilment of the tasks of the civil affairs and police elements in the sectors continues to be adversely affected by a serious shortage of personnel and of radio-equipped vehicles. Each sector comprises several thousand square kilometres and many hundreds of villages. The tasks are exacting, requiring experience, professionalism and an appropriate temperament. The UNPROFOR budget provides for no more than five Professional civilian officers in any sector, and this number has proved inadequate, even where it has so far been found possible to put in place a nearly full complement of qualified personnel. Moreover, while a ratio of three police to one radio-equipped vehicle is necessary to maintain adequate patrol coverage, UNCIVPOL (United Nations civilian police) has deployed at this time only 86 vehicles for a present strength of 486 police deployed in five sectors, two headquarters, and the "Pink Zones". Similar logistical problems affect all civil affairs offices. The consequence is that it has so far proved virtually impossible, even with round-the-clock work, to fulfil adequately the mandates conferred upon UNPROFOR in the political and police areas, and parts of the sectors cannot yet be adequately supervised by it. Since the adoption of Security Council resolution 743 (1992), its tasks have increased in Sarajevo, the "Pink Zones", and elsewhere. As the peace-keeping plan moves into the next stages of implementation, the requirement for civil affairs personnel will greatly increase. In these circumstances, the Force Commander has recommended that the number of civil affairs officers assigned to UNPROFOR should be raised from 33 to 60, with consequent increases among support personnel. This does not include any additional personnel required for international frontier duty in the sectors, as alluded to elsewhere in this report.

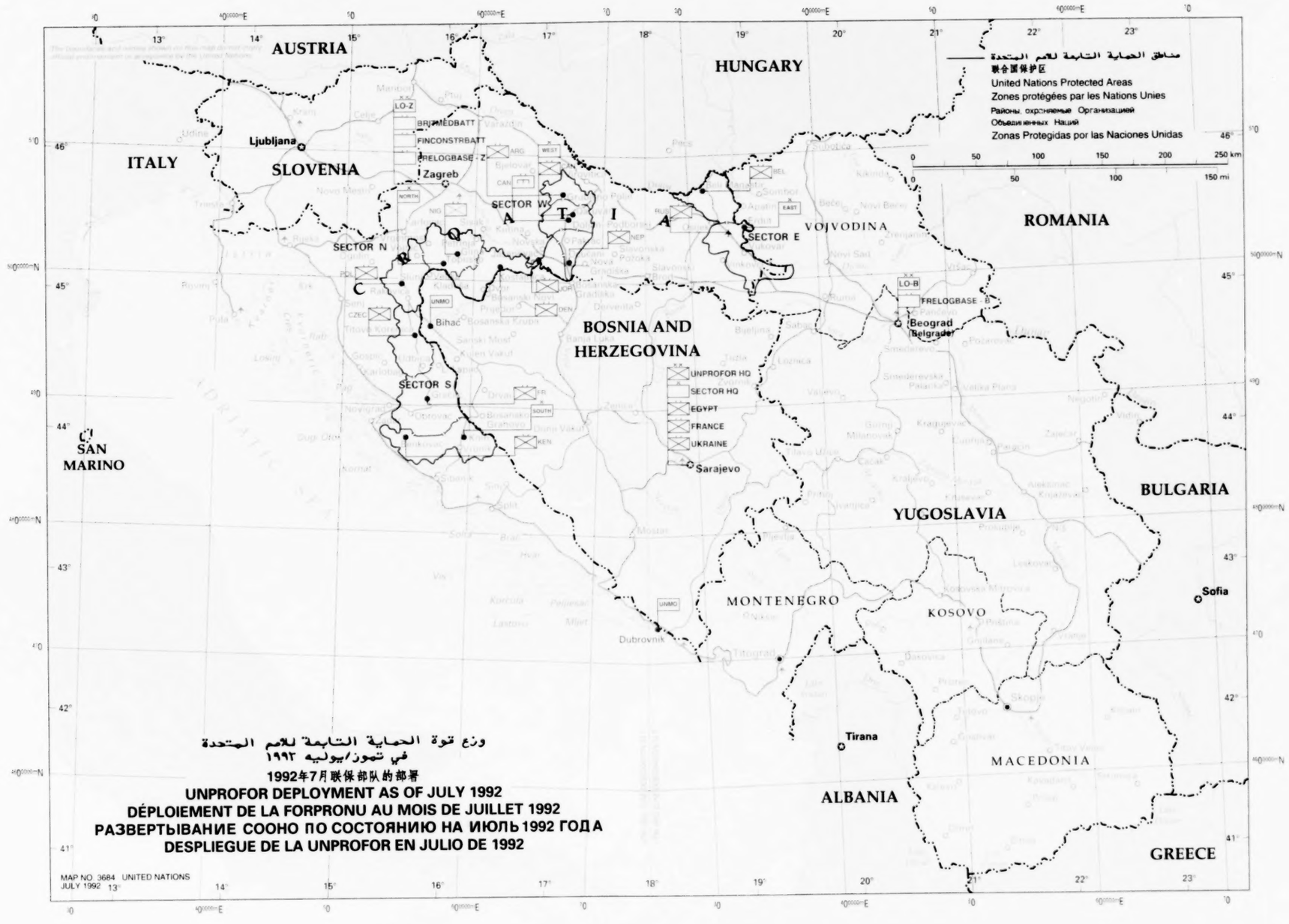
III. OBSERVATIONS

26. I am glad to be able to report that UNPROFOR has achieved the successes described above in implementing its mandate in Croatia, notwithstanding the deteriorating situation in Bosnia and Herzegovina. These successes are, to an important extent, due to the cooperation extended by the various parties. This remains an essential condition for the Force's effectiveness. I would like to express special gratitude to the Government of Croatia for the flexibility it has shown in response to the Force Commander's efforts to find a solution to the question of the "Pink Zones".

27. Problems nevertheless remain, especially with regard to the excessive armament of the local police in the UNPAs and the continuing persecution of non-Serbs in some areas and the destruction of Serb property in others. It is too early to report that UNPROFOR has succeeded in demilitarizing the UNPAs and establishing its full authority there or that conditions exist for the voluntary return of displaced persons to their homes, an aspect of the United Nations peace-keeping plan to which I attach special importance. The Force Commander has assured me that he and his staff, to whom I pay a tribute for their determination, diplomatic skill and unremitting hard work, will continue to make every effort to achieve implementation of all aspects of the peace-keeping plan.

28. This report has identified two cases where, in the Force Commander's judgement, UNPROFOR's existing mandate needs to be further enlarged if it is to succeed in establishing peaceful, just and stable conditions in the UNPAs, pending the negotiation of an overall political settlement. Specifically, the Force Commander has recommended that UNPROFOR should be given authority to control the entry of civilians into the UNPAs (para. 17) and that it should have powers to perform immigration and customs functions at the UNPA borders where these coincide with international frontiers (para. 22). The Force Commander has also recommended an increase in the strength of UNPROFOR's civil affairs component (para. 25). If approved by the Security Council, these enlargements of the Force's mandate and strength would come on top of two previous enlargements in connection with Sarajevo airport (resolution 758 (1992)) and the "Pink Zones" (resolution 762 (1992)) respectively. In addition, there is the possibility that UNPROFOR will be asked to establish a military presence on the Prevlaka Peninsula to ensure that it remains demilitarized (para. 11 above).

29. The Force Commander's latest recommendations relating to the UNPAs illustrate the extent to which the evolution of the situation in what was the Socialist Federal Republic of Yugoslavia is drawing UNPROFOR into quasi-governmental functions which go beyond normal peace-keeping practice, have major resource implications and may stimulate demands for yet deeper United Nations involvement in this troubled region. As I have made clear to the members of the Security Council, notably in my report of 21 July on the situation in Bosnia and Herzegovina (S/24333), I view this trend with some misgiving, in the light of the many other demands on the Organization's attention and resources. But the Force Commander has made a strong case in favour of his recommendations and, on balance, I believe that they must be accepted if the effort already invested by the Security Council in Croatia is not to be undermined as a result of UNPROFOR's mandate being limited to control of military movements only or as a result of the Force lacking the necessary civilian staff resources. I intend shortly to make available to the Security Council preliminary estimates of the financial implications of these recommendations.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РАЗВЕРТЫВАНИЕ СООНО ПО СОСТОЯНИЮ НА ИЮЛЬ 1992 ГОДА
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